

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL B. KINGSLEY,

Plaintiff,

v.

KEVIN RADDATZ,

Defendant.

ORDER

13-cv-432-bbc

On December 1, 2014, plaintiff Michael B. Kingsley attempted to file a motion by submitting an email to the clerk's office and to defendant's attorney, Andrew Jones. Generally, the court does not accept filings sent by email, but, in the interest of avoiding any further delay in this matter, I will accept this filing on this occasion only. In the future, plaintiff must follow the instructions for filing documents electronically as set forth in the court's "Electronic Filing Procedures," which have been attached to this order and are also available at <http://www.wiwd.uscourts.gov/sites/default/files/AdminProcedures.pdf>. If plaintiff has trouble following these instructions, he may contact the help desk at (866) 241-7123 or at wiwd_ecfhelp@wiwd.uscourts.gov, on business days from 8:00 am to 4:30 pm.

In his motion, plaintiff asks for a stay in the proceedings or, alternatively, dismissal without prejudice and assistance in recruiting counsel. As an initial matter, at this late stage

in the proceedings, I will not allow plaintiff to dismiss this case without prejudice. Considering all the resources that have been expended at this point, any dismissal will be with prejudice. Further, plaintiff's request for a lawyer is much too late to be entertained. No lawyer would have time to prepare for trial at this point and plaintiff could have made this request much earlier. In any event, plaintiff has not alleged that he attempted to obtain counsel on his own, as he is required to do under Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992).

Finally, plaintiff's reason for requesting these forms of relief is unpersuasive. Plaintiff alleges that he has not received all of his case file from his former attorney and that some of the video files he has received are "corrupted" and unviewable. As discussed in the order dated December 2, 2014, plaintiff had ample opportunity to raise these issues with the court and has now waived them. Plaintiff also says that his attorney "just recently" told him that he had failed to send plaintiff other parts of his case file. However, plaintiff does not identify when the attorney told him this or what the missing parts of the case file are and why they are important to his case. Accordingly, plaintiff has not shown that he is entitled to relief.

Once again, I remind plaintiff that the December 8 trial date is firm and his failure to arrive at the courthouse by 8:30 am on December 8, 2014 may result in dismissal of his case. If plaintiff no longer wishes to proceed to trial, he must notify the court in writing immediately so that the jurors who have been summoned may be notified promptly that

their attendance is no longer required.

Entered this 3d day of December, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge